
Appeal Decision

Inquiry held on 1-3 July 2014

Site visit made on 3 July 2014

by Frances Mahoney DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 November 2014

Appeal Ref: APP/J3720/A/13/2209488

2-6 Priory Road, Alcester, Warwickshire B49 5DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living against the decision of Stratford on Avon District Council.
 - The application Ref 13/01588/FUL, dated 28 June 2013, was refused by notice dated 30 October 2013.
 - The development proposed is the redevelopment to form 36 sheltered apartments for the elderly, including communal facilities (Category II type accommodation), access, car parking, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development set out above describes the appeal proposal as being 36 sheltered apartments (Category II type accommodation). At the Inquiry the parties agreed that Category II accommodation is defined as housing which is purpose-built or converted exclusively for sale to elderly people, with a package of estate management services and which consists of grouped, self contained accommodation with an emergency alarm system, usually with communal facilities, and normally with a warden¹. The apartments, the subject of this appeal, would be sold with a lease which includes an age restriction reflecting the purpose of the sheltered apartments. On this basis it was agreed that the term 'Category II type accommodation' should be deleted from the description of development, as the term sheltered apartments was commonly understood. I have dealt with the appeal on this basis.
3. At the Inquiry, a set of amended plans was proffered by the appellant company. The main difference in the plans is an overall reduction in the size of the building at its north-western corner, closest to Priory Tuery. This would lead to a reduction in the number of apartments from 36 to 35². The Council confirmed they had no objection to the submission of the plans as they considered the changes made little material difference to the visual impact of

¹ CD49-Planning for Retirement Housing – A good practice guide – paragraph 3.6 and the Statement of Common Ground dated April 2014.

² Were the appeal to be allowed this reduction could be dealt with by means of a condition.

the proposed scheme. In addition, the appellant company has detailed the consultation process they adopted in relation to the proposed amendment. This included writing to those consulted by the Council on the original set of plans, inviting them to raise any concerns direct with me³. I have received a number of comments in relation to the amended scheme. However, in general, they repeat the concerns expressed in relation to the original plans.

4. Having considered the nature of the proposed amendments and the comments received in relation to the original and amended plans, I am satisfied that the consultation carried out was wide enough to engage with those parties affected. On that basis, I consider that the interests of third parties are not prejudiced by the proposed design change. I shall deal with the appeal, therefore, on the basis of those amended plans⁴.
5. It is an agreed matter between the parties that the redevelopment of the appeal site for sheltered residential apartments is acceptable in principle. The inclusion of the appeal site within the built-up area of the town of Alcester; its proximity to the town centre; and its inclusion in the existing residential area are all factors which have influenced the Council in this regard and I have no reason to take a different view⁵.
6. Since the planning application was refused, the appellant company has been working with the Council to seek to address matters in relation to the archaeological impact of the proposal⁶; and the appropriateness of a deferred contribution clause in any planning obligation to allow for a re-assessment of viability at an appropriate point in the scheme development⁷.
7. A Geophysical Survey Report was produced in February 2014. This was considered by the Warwickshire County Council Archaeology Department to be sufficient information to enable an informed planning decision to be made in respect of the archaeological implications of this scheme. Their recommendation was that a condition be imposed securing the implementation of a programme of mitigating archaeological works⁸.
8. Since the date of the refusal of planning permission, the Planning Practice Guidance (Planning Guidance) has been issued. It has been clarified that viability assessments should be based on current costs and values. In other words, that planning applications should be considered in today's circumstances. However, where a scheme requires phased delivery over the medium and longer term, changes in the value of development, and changes in costs of delivery, may be considered⁹. The appeal proposal is not intended for a phased delivery. The Council has already accepted that the scheme is unviable if contributions towards affordable housing are sought. Therefore, taking into account the terms of the Planning Guidance, the Council is no longer seeking deferred contributions towards affordable housing in this instance¹⁰. However, the appellant company promote a clause within the proffered Unilateral Undertaking (UU) which would enable a reassessment of

³ Consultation letter sent out 6 February 2014 allowing for 21 days to reply direct to the Planning Inspectorate.

⁴ As detailed on page 7 of the Statement of Common Ground dated April 2014.

⁵ I shall look in more detail at some of these factors later in the decision.

⁶ Reason for refusal 3.

⁷ Reason for refusal 4.

⁸ Source Statement of Common Ground dated May 2014.

⁹ Planning Guidance ref: ID 10-017.

¹⁰ Source Statement of Common Ground dated May 2014.

viability, should the commencement date¹¹ not be reached within 12 months of the date of the permission (if allowed).

9. Taking into account the additional information submitted and the consideration of recent Government guidance, the Council confirmed they would not be defending reasons for refusal 3 and 4. On the same basis, I have no reason to disagree with the Council's assessment in this regard¹².
10. Prior to and during the Inquiry the Council accepted that they were unable to demonstrate a five year supply of housing land¹³, and thus, relevant policies for the supply of housing should be considered out of date¹⁴. However, following the close of the Inquiry, the Council's position changed, with them claiming a 5.4 year supply¹⁵. The appellant company contested this assertion¹⁶.
11. The South Warwickshire NHS Foundation Trust (SWFT) has sought a contribution towards infrastructure costs. They defended this position at the Inquiry. The Council did not support their request.
12. I shall return to these matters later in this decision.

Planning Policy

13. The Proposed Submission Core Strategy (CS) is currently being prepared. At the time of the Inquiry, the CS had been through a period of consultation and was awaiting submission to the Secretary of State for examination. On 30 September 2014, after the close of the Inquiry, the CS was submitted for examination, with the examination hearings scheduled to commence in late 2014/early 2015. These timings are generally in accordance with the Local Development Scheme dated January 2014¹⁷. That document anticipates adoption of the CS around April 2015. At this stage, prior to the hearings, it is unclear whether the CS is likely to require further amendment/review. Therefore, it is reasonable to suppose there may be some slippage in the promoted date for adoption.
14. The emerging CS does include some allocations, which, in the main, are considered as spatial distributions¹⁸. A site allocations document is expected to follow the CS. Nonetheless, it is acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council are working towards achieving this goal and progress is being made. Overall, though the emerging CS attracts limited weight in the consideration of this appeal proposal, it does represent a body of recent evidence¹⁹.
15. Consequently the Council has relied upon the relevant policies of the development plan, which includes the saved policies of the Stratford on Avon Local Plan Review 1996-2011(LP). Adopted in July 2006, it was drafted to cover the period to 2011. The plan period has long since passed, but that does not necessarily mean that all of the policies of the LP are out-of-date.

¹¹ As defined in the UU.

¹² In the light of submitted evidence to the appeal.

¹³ Source the Statement of Common Ground dated April 2014

¹⁴ In accordance with the terms of paragraph 49 of the National Planning Policy Framework (the Framework).

¹⁵ Information sheet No:029/2014 issued on the 5 August 2014 and Council response doc dated August 2014 – Inquiry Docs 15 and 17.

¹⁶ Appellant Company's response documents to information sheet No:29/2014 – Inquiry Docs 16 and 18.

¹⁷ CD68/ID6

¹⁸ Broad areas.

¹⁹ Particularly in relation to the evidential documents which support the CS and upon which it is based.

16. The Council accepted that an exception to this is LP Policy STR.2, which sets housing targets for the plan period. This matter will be considered in more detail later.
17. Saved LP policies PR.1 and DEV.1 both seek to secure high quality design in new development which has regard to the character and quality of the local area, acknowledging that good design begins with an understanding of the existing environment. LP Policies EF.13 and EF.14 relate to development proposals which impact on heritage assets, including their settings. All of these policy approaches are consistent with the core planning principles of the National Planning Policy Framework (the Framework)²⁰ and are relevant in this appeal.
18. A further consideration to be weighed into the balance of my decision is that of paragraph 14 of the Framework which says that, at its heart²¹, is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means granting planning permission where the development plan is absent, silent or relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Main Issues

19. The appeal site lies on the edge of the Alcester Conservation Area, with the very frontage of the development plot, including the large mature roadside trees²², being within its boundary. In addition, on the opposite side of the road, a considerable number of the houses are listed (Grade II), dating from between the 17th and 19th centuries.
20. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard shall be had to the desirability of preserving listed buildings or their settings, or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law has established that the duties described should be given considerable importance and weight. I have considered this appeal in light of these duties placed upon me as the decision-maker²³.
21. Therefore, from the evidence before me, including all that I have seen and read, the main issues in this case are:
 - the effect of the proposed development on the character and appearance of the surrounding area, having regard to the setting of the neighbouring listed buildings and the Alcester Conservation Area; and
 - whether, having regard to the benefits and disbenefits of the scheme, the proposal would represent a sustainable form of development.

²⁰ LP Policies PR.1 & DEV.1 – paragraph 17 of the Framework bullet point 4
LP Policies EF.13 & EF.14 – paragraph 12 of the Framework bullet point 10.

²¹ The Framework.

²² Some covered by Tree Preservation Order No 2/1969.

²³ LP Policies EF.13 and EF.14 are consistent with these statutory duties.

Reasons

The effect on the character and appearance of the area

22. Alcester is a pleasant market town centred on a medieval core, including fine secular buildings dating back to the 16th century. These are juxtaposed with simple vernacular architecture, along with the more refined styles of the 18th century. There is a high concentration of listed buildings in the main High Street/Church Street/Henley Street area.
23. The significance of the Alcester Conservation Area lies in the variety of building type, age and design; architectural features; the well-preserved medieval street pattern and interconnecting Tueries²⁴ between adjacent plots; the verdant nature of the street scene, particularly in respect of the green open spaces interspersed about the town; and the maintenance of the central medieval core of the town as the focal point, where few last century developments have eroded the historic fabric of the settlement. The setting of the conservation area includes the appeal site, along with other development in Priory Road and the residential town fringe. This western part of the town maintains a domestic scale of development which, other than a few commercial or public buildings²⁵, is a characteristic feature of the conservation area as a whole.
24. The essential character of this locality²⁶ derives largely from the relationship between the fairly continuous line of mostly 19th century buildings hugging the pavement on the east side of the Priory Road, and the more discontinuous, varied and spacious nature of the plots facing them along the western side of the road²⁷. It offers a verdant setting for both the conservation area as well as the listed buildings. The mature frontage trees on the appeal site over arch the road, presenting a dense and visually dominant green, leafy foil to the individual listed buildings and the wider conservation area²⁸. They create an important framing of a north facing view of the listed buildings opposite²⁹.
25. This defined edge to the conservation area is further emphasised by the open green space in front of and around the Catholic Church echoed by the open nature of the appeal site frontage behind the tree bank³⁰. Even with the intervening Priory Tuery, the openness of these frontage areas and the set back of development from the road represents a distinct transition between the historic assets of the town centre area and the sprawling urban fringe of the town.
26. The listed buildings opposite the appeal site, along Priory Road, show considerable variety in their design, external materials and storey and ridge heights. It is this variable roofscape and variety in building type which draws the eye and dominates the view. The significance of these listed buildings derives not only from their physical presence, as tightly packed historic assets defining the edge of the medieval town centre, but also from their setting.

²⁴ Passageways.

²⁵ Such as St Nicholas' Church, Waitrose supermarket and the former Minerva Works.

²⁶ Zone E of the Alcester Conservation Area.

²⁷ An important route in and out of the town.

²⁸ I have taken into account the mix of species of trees on the road frontage and that there will be some seasonal variation in tree cover.

²⁹ Some of this frontage area, including the mature trees, lies within the Alcester Conservation area at its western boundary.

³⁰ This is discernible from views along Priory Road from the north and from Priory Tuery.

Their setting centres on their historic association with the medieval town centre of Alcester, as well as the other development along both sides of Priory Road³¹.

27. At the southern end of Priory Road, at its junction with Seggs Lane and Swan Street, is a mixture of municipal buildings, including the fire station, former health centre and library. All are of mid-20th century origin and are modernist in style, typical of that period. Being grouped together at the Swan Street/Priory Road roundabout, they possess a cohesion of form which makes them recognisable as public buildings. The municipal character of this corner site does not spill over to the adjoining streets to the west and south, where the character and appearance is firmly grounded in predominantly 20th century residential development³².
28. The appeal site comprises the curtilages of three such 20th century residential properties varying in size, design and materials. They are pleasant homes on generous plots, set back from the road, typical of the variety of building types and designs found on the residential fringe of the town.
29. The loss of the three existing dwellings would not diminish the quality or character of this part of the town. It is the quality of design and scale of the proposed building to replace them which is in contention in this case. Paragraph 131 of the Framework sets out that it is desirable for new development to make a positive contribution to local character and distinctiveness.
30. The appeal proposal is for 35 private sheltered apartments and associated facilities³³. The scheme would include landscaped areas to the front and rear. The building would sit further forward on the site than the existing dwellings. However, the large area of green open frontage space would still be retained as would ample separation between the frontage trees³⁴ and the proposed building.
31. The proposed building consists of a single mass with a cranked rectangular form, including some small scale articulations and projections. The roof form is 'double pile'³⁵ with the building being three full storeys. All the windows are horizontally aligned on all three levels, irrespective of whether the window is in a dormer or not. The front elevation has been designed around an image of a substantial Georgian villa with side wings. These side wings have been designed to appear as terraces of vernacular buildings. They include dormer windows, which are not uncommon within the conservation area. However, there is a significant concentration of dormers across the front roofscape. Their regularity in spacing, and correlation with the windows on the floors below lacks the charm and authenticity of those from which the design is purported to take inspiration as characterising architectural features of the heritage assets.

³¹ Setting is intimately linked to considerations of townscape and urban design and the character and appearance of conservation areas.

³² Both the municipal buildings and much of the housing to the west and south lie outside of the conservation area boundaries.

³³ Facilities including an owner's lounge, a well-being suite, a guest suite, a laundry room, refuse store and manager's office.

³⁴ Some of which are covered by a Tree Preservation Order.

³⁵ The roof has two parallel ridges and a central valley gutter which forms a flat roof section of more than a metre.

32. Some articulation has been introduced by way of the cranked shape. However, the window levels running evenly around the building; the regimented vertical precision of the window pattern across the full front elevation; and the lack of a well defined sense of subservience between the various elements of the building, all contribute to the visual perception of the proposed building as large and bulky.
33. As already established, the appeal site has the potential for development for sheltered accommodation. I consider that the overall height of the building would not be out of character with the general grain of neighbouring development. However, in its present form, the proposed building would be out of scale with its general surroundings. The wide expanse and single mass of the building, along with its lack of subservient articulation, would dominate this part of the street scene, even taking into account the municipal buildings to the south; church buildings to the north; and the more distant large buildings already highlighted.
34. The proposed design can best be described as a pastiche of a Georgian villa, which uncomfortably jars against side wings purporting to reflect the vernacular form of nearby heritage assets, but only serving to emphasise the scale and massing of the building. This represents a muddled design approach. It would be visually prominent in the streetscene, particularly when viewed from the north along Priory Road and from the Tueries.
35. However, the open green nature of the church frontage, along with its continuation onto the appeal site would not be diminished by the proximity of the new building to Priory Tuary³⁶. Nonetheless, the unrefined bulk and proportions of the proposed design would result in a building that would not respect or enhance the quality, character and distinctiveness of the area. It would be at odds with, and cause significant and demonstrable harm to the character and appearance of the locality. It would not enhance or better reveal the significance of the heritage assets³⁷, which would be harmed by reason of the development.
36. I fully understand the underlying design requirements for sheltered accommodation for the elderly, particularly the need for all residents to have internal level access to all of the communal facilities. A single building would certainly lend itself to such a requirement. However, as already established above, the appeal proposal represents an unacceptable design in its context, unsatisfactorily diminishing the character and integrity of heritage assets which need to be retained in a manner that ensures that they can be enjoyed for their contribution to the quality of life for this and future generations.
37. The identified harm does not reach the high hurdle of substantial harm to any heritage assets (as referred to in the Framework and the Planning Guidance). However, though less than substantial there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal.

³⁶ In reaching this view I have taken account of the proximity of the existing house to the footpath as well as the substantial boundary walls and fencing including and some planting.

³⁷ Including the settings of the conservation area and the neighbouring listed buildings.

Benefits/disbenefits

Housing need/supply

38. To boost significantly the supply of housing, Framework paragraph 47 identifies that Councils should ensure that their local plans meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area, as far as is consistent with the policies of the Framework.
39. In addition, they must identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of either 5% or 20% (moved onward from later in the plan period), to ensure choice and competition in the market for land.
40. The Council accept that the housing requirement within the LP is out of date. Therefore, their information sheet No 029/2014 dated 5 August 2014³⁸, suggests that a target is required upon which to base the assessment of the five year housing land supply. The Council has based their target on the housing requirement of 10,800 homes between 2011 and 2031 (540 homes per annum), as set out in the emerging CS. This OAN is based on the findings of two technical studies; namely a joint Strategic Housing Market Assessment (SHMA)³⁹ undertaken for the Coventry and Warwickshire sub-region, and further independent analysis of the SHMA (ISHMA) for Stratford on Avon District, to verify that its recommendations on the housing requirement are justified and robust. However, it is acknowledged that the promoted full OAN has yet to be tested at the Local Plan examination.
41. It is also noted that the proffered figure lies at the lower end of the range of OAN, as set out in the joint SHMA. Nonetheless, the robustness of the figure was tested through the ISHMA. That review cautioned against the higher level housing target due to the possibility of the higher numbers resulting in an increase in out-commuting and elderly in-migrants, rather than an increase in employment levels/labour force⁴⁰.
42. A further factor to be added into the overall calculation of need, is an additional percentage buffer moved forward from later in the plan period to ensure choice and competition in the market for land⁴¹. There is dispute over whether this should be 5% or a 20% buffer. A 20% buffer would be applied where there has been a record of persistent under delivery of housing.
43. The Planning Guidance requires a longer term view to be taken in addressing this issue, as such an approach would be more likely to take account of the peaks and troughs of the housing market cycle⁴².
44. Historically there has been an under provision here, measured against a changing target figure⁴³, since 2008/09 to date. It is unclear if these figures

³⁸ Inquiry Doc 15.

³⁹ Undertaken in November 2013.

⁴⁰ This approach is consistent with the Council's aspirations in its Economic Development Strategy.

⁴¹ Paragraph 47 of the Framework

⁴² PPG ID 3-035.

⁴³ 475 per annum – 2008/09 to 2010/11 (LP target figure) and 540 per annum – 2011/12 to 2013/14 (emerging CS figure).

include Category II accommodation completions. Nonetheless, a housing undersupply has been evident in the last few years.

45. The policy of constraint (housing moratorium) in relation to housing provision, between 2006-2011, and the delivery rate during and after this period, are legitimate considerations in reaching a judgement on this aspect of the assessment of the housing need. This period of restraint may explain some historic under provision. The recession is undoubtedly also a contributing factor.
46. The introduction of the Framework and its requirements, specifically those relating to housing provision, was in response to the effects of the recession and the objective aim of boosting the supply of housing. The Council has responded through the promotion of its CS housing target.
47. Therefore, in this context, and on the basis of the evidence before me, I agree that an additional buffer of 5% would be appropriate in this instance.
48. With a shortfall in the number of homes delivered from the start of the plan period to the current year being in the order of 729, the Council indicate they have a deliverable housing land supply of 3951 dwellings in the five year period as of 31 March 2014⁴⁴. This includes Category II care homes with planning permission, or built since 2011.
49. By applying a five year annualised average figure (729 per annum) for the short term, to reflect the shortfall in delivery (2011-2014) the Council has demonstrated, on the face of the evidence before me that, in all probability, they can claim a housing supply in excess of five years. This in no way pre-judges the outcome of the LP examination process, as I have considered the matter on the basis of the submitted appeal evidence. I have also taken into account that the Council's figuring/calculations are based on the most up to date evidence ie the SHMA and ISHMA.
50. Therefore, the appeal proposal would not serve as a public benefit in relation to the meeting of the identified general housing need.
51. However, I afford some weight to the identified need for sheltered accommodation in the District, referred to in the appellant company's document 'The Need for Private Retirement Housing in Stratford on Avon'⁴⁵. Under-occupied housing may also be released onto the open market, although the numbers are difficult to establish. The appeal site being suitable for sheltered accommodation⁴⁶ would contribute to meeting the identified need.

Affordable Housing

52. As already explained the appeal proposal does not include any specific affordable housing element. There are reasons for this⁴⁷. However, the appellant company has included an arrangement within the UU to review the lack of provision over time. That arrangement is welcomed by the Council. However, in the circumstances of this appeal, it is not a requirement of policy. I afford it little weight as a result.

⁴⁴ Council's Information Sheet No 029/2014.

⁴⁵ DCA – Burgess proof Appendix 1.

⁴⁶ See paragraph 4 of this decision.

⁴⁷ See paragraph 7 of this decision.

Health

53. There is no doubt that the proposed development would increase demand on local health services. However, the appellant company's report on health provision concludes that the South Warwickshire Trust and local Clinical Commissioning Group, plan to continue to develop services following the trend for out of hospital care for the elderly. This strategy would ensure that the current infrastructure has sufficient capacity to manage the healthcare needs of the future residents of the proposal.
54. SWFT is the major provider of acute and community health services to the people of South Warwickshire. However, they are not the only provider, nor do they commission health care services. In seeking a contribution towards infrastructure costs⁴⁸, SWFT identified that the requested funds would go towards planned capital expenditure, more specifically the build costs for a hospital expansion. The evidence submitted does not reassure me that this hospital expansion would be specifically related to the care which future elderly residents of the apartments proposed might need. In addition, the method of calculation for the contribution was also unclear.
55. The issue for me therefore, is whether the identified contribution would go directly to meeting local needs⁴⁹.
56. SWFT are clearly making progress in moving care out of hospital settings and closer to patients's homes. However, their hospitals are now at full capacity, hence the plan for expansion.
57. My concern is that there is no certainty that SWFT would be commissioned to provide services which could be directly related to the future residents of the sheltered apartments, the subject of this appeal. I have no way of knowing whether such monies would be better spent by another provider suitably commissioned.
58. Paragraph 204 of the Framework sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
59. At present, there is no specified project or area of health service improvement which has been identified which could be considered to be directly related to the development. In addition, it has not been shown that the specific healthcare needs arising from the proposed development could not be accommodated by existing facilities. A lack of local capacity has not been established.
60. Therefore, I heard nothing that gave me confidence that the contribution requested in this regard was likely to be spent in accordance with the terms of the Framework and the CIL Regulations. On that basis, I do not consider it reasonable to take this aspect of the UU into account.

⁴⁸ Unsupported by the Council.

⁴⁹ Which can be attributed to the care of the future residents of the development.

Other considerations

Highways

61. Concern has been expressed by residents in relation to the impact of traffic generated by the proposed development on the existing highway network, as well as on parking along Priory Road. However, evidence⁵⁰ shows that when viewed against existing traffic flows, the impact of the development is predicted to be unnoticeable. In addition, the appeal site is well located for local services and facilities in the town. It is highly accessible in relation to local bus services which are regular and frequent. Therefore, it is likely that future residents of the sheltered accommodation would be able to access the town and beyond without being overly reliant on the private car⁵¹. On this basis, the highway authority has not raised an objection in this regard. I have no reason to question their approach which seems sensible and reasonable in the circumstances. Therefore, I do not consider this to be a weighty factor in considering the development both in respect of highway safety considerations and traffic generation.

Living conditions

62. The proposed site is sufficiently distant from neighbouring dwellings to ensure there would be no material harm to the outlook or privacy of existing residents. Intervening landscaping would also assist in minimising any impact on neighbouring residents.

Balancing Exercise and Conclusion

63. Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as the golden thread running through both plan making and decision taking. Alcester has a range of facilities enabling it to meet local needs. It has already been established that future residents of the appeal site would have reasonable access to services and facilities and would not, necessarily, be overly dependent on the private car⁵². That said, the Framework embraces a much wider definition of sustainability, referring to its economic, social and environmental dimensions. These roles should not be considered in isolation, because they are mutually dependant.

64. *Social role:* The proposed sheltered housing would fulfil a social role by contributing to the strengthening and vibrancy of the local community by providing towards a supply of such housing to meet the needs of present and future generations.

65. *Economic Role:* The proposal would enhance the economy of the community through the creation of jobs associated with the construction stage, and new residents would also be likely to support existing local services and businesses.

66. Having sufficient land available of the right type in the right places and at the right time to support growth and innovation is part of the economic role in

⁵⁰ Transport Statement dated June 2013.

⁵¹ The appellant company has also made provision within the UU to provide funds towards sustainable welcome packs to help promote sustainable travel in the local area.

⁵² Paragraph 61 of this decision.

achieving a sustainable development. There is a good prospect that the proposed sheltered housing could be delivered on the site within five years.

67. In addition, the Council set out that their objective is not just to achieve a five year supply of housing, but to maintain a minimum of five years' worth of housing supply on an on-going basis⁵³. The appeal site would contribute towards that objective and I have taken this into account in my weighing of the issues.
68. In this way the appeal site would make a positive contribution to the economic role⁵⁴.
69. *Environmental role:* As already indicated above Alcester benefits from a good range of services and facilities along with ready access to public transport. Therefore, in respect of location and a movement to a low carbon economy, the sustainability of the appeal site is a positive factor.
70. However, I am conscious that the harm identified to the character and appearance of the surrounding area, having regard to the setting of the neighbouring listed buildings and the Alcester Conservation Area is a negative factor of such weight that it significantly and demonstrably outweighs the positive roles in the assessment of sustainability. For this reason I conclude the appeal proposal, in its present form, does not amount to sustainable development.
71. The identified harm to heritage assets is significant, but it is less than substantial (paragraph 134 of the Framework) and must be weighed against the public benefits of the proposal. None of the benefits of the scheme identified above are of sufficient advantage as would outweigh the unacceptable level of harm identified to; the character and significance of the heritage assets, in particular their settings and the wider surroundings; and the unsustainable nature of the development.
72. Therefore, the proposal would be contrary to the terms of LP Policies PR.1, DEV.1, EF.13 and EF.14 and the appeal should fail.

Frances Mahoney

Inspector

⁵³ Council's Information Sheet No 029/2014.

⁵⁴ Were an acceptable design of scheme to be settled upon.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Goatley of Counsel Instructed by Leenamari Antaa-Collier Solicitor to the Council

He called

Dr Karl Kropf BA MA PhD Director, Built Form Resource Ltd

Philippa Jarvis BSc(Hons)
DipTP MRTPI Principal of Philippa Jarvis Planning Consultancy Ltd

FOR THE APPELLANT:

Neil Cameron QC Instructed by Planning Issues Ltd

He called

John Shelbourn Dip Arch
(Hons) RIBA Group Design Director, Planning Issues Ltd

Jason Clemons BA MA MSc
MRTPI Director and Head of Historic Buildings, CgMS Ltd

Andrew Burgess BA(Hons)
MRTPI FRSA Managing Director Planning Issues Ltd

Wendy Pearson BA (Open)
DipH&SCM Director Pearson Management Solutions Ltd

INTERESTED PERSONS:

Mark Cargill Town and District (Alcester ward) Councillor
Prof Chris Brannigan Town Councillor
Mel Duffy Deputy Director of Business Development NHS Trust

DOCUMENTS

- 1 R (on the application of The Forge Field Society and others) v
(CD Sevenoaks DC (2014) EWHC 1895 (Admin)
57)
- 2 Trusthouse Forte Hotels Ltd v Secretary of State for the
(CD Environment and Another
58)
- 3 SWFT Forward Plan Strategy Document for 2012-13
(CD
61)
- 4 SWFT Strategic Plan Document 2013-14
(CD
62)
- 5 SWFT Strategic Plan Document 2014-19
(CD
63)

6 LDS Summary Table

(CD
68)

7 Letter dated 10 April 2014 in respect of Archaeology

(CD
69)

8 Statement of Mark Cargill

9 Appraisal Report for Negotiation of S106 Agreement

10 Agreed table of building heights

11 Alcester Town Design Statement 2011

12 Signed Unilateral Undertaking dated 27 June 2014

13 Statement of Mel Duffy of the SWFT

14 Agreed list of draft conditions (amended)

15 Five Year Housing Land Supply Calculation Summary – dated 5 August 2014

16 Appellant company's response dated August 2014

17 Council's response - August 2014

18 Final comments of the appellant company

PLANS

A Site Plan marked up with position of existing buildings marked

B Topographical Survey dwg no 130221

C Topographical Survey dwg no 130221 sheet 2 of 2

D Landscape Strategy dwg no 1513-0002